

GUARDIANSHIP OF A MINOR

1

Waiver or Deferral of Service or Notice Fees

Forms and Instructions

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SELF-SERVICE CENTER

REQUEST FOR WAIVER OR DEFERRAL OF COSTS FOR SERVICE OR NOTICE CONCERNING GUARDIANSHIP OF A MINOR

This packet contains general information, court forms and instructions for filing a request for deferral or waiver of fees for service of notice in cases concerning the guardianship of a minor. Items listed in **BOLD** are forms to be filled out and filed with the Court. Non-bold items are instruction pages that do not need to be filed with the Court. Be sure the documents are in the following order:

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3	JGW10h	Instructions for fee waiver/deferral	3
4	JGW13f	<i>“Supplemental Application for Service Fees”</i>	2
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6	JG23p	Help with procedures on how to serve legal papers using the Sheriff	2

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**SELF SERVICE CENTER
FORMS AND INSTRUCTIONS**

**DEFERRAL OR WAIVER OF COURT FEES AND COSTS
FOR SERVICE / NOTICE IN CASES CONCERNING
GUARDIANSHIP of a MINOR**

CHECKLIST

You may use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ **You want to file court papers to have a guardian for a minor appointed or removed, OR**
- ✓ **You want to file other documents in a case concerning a guardianship of a minor that require service of notice to other interested parties.**

AND

- ✓ **You need to give service or notice of the court case, but you do not have the money to pay for this**

If you are not sure that these forms and instructions apply to your situation, see a lawyer for help.

SELF-SERVICE CENTER

HELPFUL INFORMATION ABOUT JUVENILE GUARDIANSHIP and HOW TO APPLY FOR A DEFERRAL OF COURT FEES

1. **WHEN ARE COURT FEES OR COSTS CHARGED?** There are various fees and costs to file papers to pursue court cases for guardianship. Here are the common fees and costs:
 - A. **Guardianship for a Minor:**
 - To file A PETITION FOR APPOINTMENT OF A PERMANENT GUARDIAN for a minor -- **\$206.00**
 - To file an OBJECTION TO ANY PETITION, if this is first time you filed court papers in this case -- **\$206.00**
 - B. **To give legal notice of the case to anyone entitled to notice by law:**
 - Costs vary, depending on where the person is located, or how many times the sheriff or process server tries to serve the person.
 - C. **Other costs:**
 - For the issuance by the Clerk of Court for a Subpoena;
 - To get your fingerprints taken and to pay the costs for processing the completed fingerprint card; (Note: This fee cannot be waived or deferred.)
 - For service of process or costs of service by publication;
 - To get a copy or a certified copy of any court order or judgment or paperwork;
 - To file an appeal of a case to a higher court;
 - To photocopy court papers for the record on appeal;
 - To pay for court reporter or transcriber fees of court trials or hearings;
2. **WHO PAYS THE COURT FEES AND COSTS?**

For Guardianships of Minors - Fees and costs related to the guardian are **paid by the guardian**. If the child's estate is sufficient, the guardian can file court papers later asking to be reimbursed for the amount of the costs and fees incurred.
3. **WHAT ABOUT A PARTY WHO CANNOT PAY COURT FEES OR COSTS?**

Sometimes, for very serious reasons, a party cannot pay court fees and costs at the time of filing court papers or asking for another court service. If this happens, the party can apply for a DEFERRAL or WAIVER of court costs and fees.

 - A. WAIVER means that the party does not have financial resources **to pay now**, and probably cannot do so in the future. Generally, waivers are only given at the end of a case.
 - B. DEFERRAL means that **although the party cannot pay now**, he or she can probably pay in the future. That is why the Court will most likely grant you a DEFERRAL rather than a WAIVER, because everyone needs to bear his or her fair share of the court fees and costs.

If at the end of your case, you meet the financial criteria and still cannot pay your court fees, you can ask the Court to waive or further defer your court fees and costs.

4. COURT PAPERWORK FOR A DEFERRAL OR WAIVER OF COURT FEES AND COSTS:

A. Application for Deferral of Court Fees and/or Costs and Consent to Judgment: You must file the Application with the Clerk of the Court.

You should know that the Application for DEFERRAL OF COURT FEES AND/OR COSTS includes a CONSENT TO ENTRY OF JUDGMENT. By signing this document, you agree that a judgment may be entered against you for all fees and/or costs that are deferred, but that remain unpaid after thirty (30) calendar days following the entry of final judgment

At the conclusion of the case unless the Judge has already waived the fees/costs, you will receive a Notice indicating how much is owed and what steps you must take to avoid a judgment against you if you are still unable to pay. In filling out the Application, check the boxes that apply to your situation as follows

- **Paragraph 1:** Check the boxes that tell the Court what fees and/or costs you need deferred.
- **Paragraph 2:** Check the box that tells the court what your interest is in the case
- **Paragraph 3:** Read **Paragraph 3** to see if you receive any governmental assistance. If you do, check the box that applies to your situation and then go directly to the end of the last page and **date and sign the Application in front of the deputy clerk or notary public**. If you do not receive governmental assistance, go to **Paragraph 4**
- **Paragraph 4:** Check box A or box B and then fill out the Financial Questionnaire. If your financial condition gets better, you must tell the Court, so that even if you cannot pay now, you must pay later if you have the money to do so

B. Affidavit in Support of Application for Deferral or Waiver of Service Costs: A deferral or waiver of fees to pay the sheriff for personal service, or the newspaper for publication of service, **must be applied for separately**. To do so, fill out the form described in Section 4(A) above, and the additional court form called AFFIDAVIT IN SUPPORT OF APPLICATION FOR DEFERRAL OR WAIVER OF SERVICE COSTS. Here are some important points:

- **For service by the sheriff:** Did you try to ask the other party to voluntarily accept service? If not, you must have a very good reason for not doing so.
- **For publication of service:** Why are you publishing instead of using another method of service? This is important, not only to get fees waived or deferred, but because service by publication is only used as a last resort. **BE SURE TO READ THE SELF-SERVICE CENTER INSTRUCTIONS ON SERVICE BEFORE YOU SERVE BY PUBLICATION.** This could save you time, effort, and difficulty!

C. Order for Deferral or Waiver: Do not fill out this form except the caption that includes the name of the petitioner/plaintiff, name of the respondent/defendant. The Special Commissioner will fill out this form after he or she has reviewed your application. This form tells you whether your costs have been waived, deferred or denied.

D. Request for Hearing: DO NOT FILL OUT THIS FORM. Take this form to the Court with you when you make your request to have your costs waived or deferred. Use this form only if your application for deferral/waiver has been denied and you want a hearing to tell the Judge why your costs should be deferred or waived.

5. HOW DO I APPLY FOR A DEFERRAL?

- A. Complete the court paperwork for the APPLICATION FOR DEFERRAL OF COURT FEES AND/OR COSTS and CONSENT TO ENTRY OF JUDGEMENT along with the court papers you want to file for whatever court proceeding you are involved with. **Do not sign** the Application until you get to the Filing Counter if you are hand-delivering the Application to the Juvenile Court Clerk. You can sign the Application at the Court, when you go to the Filing Counter and avoid the cost of paying a Notary Public. If you are mailing your Application to the Clerk of the Court, you will need to **sign the Application in front of a Notary Public** before you mail your application.
- B. Take the Application and all the other court papers you need to file to the filing counter of the Clerk of Court at the court location where you filed the papers. Information on how to know whether to file in the Juvenile Court's Durango location or the Juvenile Court's Southeast Facility in Mesa is contained on the instruction sheets that go with the court papers for the court process you are filing on.

NOTE: It is always a good idea to come in **person to apply** for a DEFERRAL OR WAIVER, unless you have a medical or other good reason to why you cannot appear in person. However, you can mail the application to the Juvenile Court Clerk. The Special Commissioner will review your application, determine if you qualify for a deferral or waiver, and notify you about whether you qualify for a deferral or waiver.

- C. Give the **original** Application and sign it in front of the Deputy Clerk. The Special Commissioner (or sometimes a Judge) will usually decide whether to grant the Application or not, depending on the information given in the Application.
- D. If the Application is granted, file the court papers for the court process you are involved with. If the Application is denied, pay the fee or costs. If you do not agree with the decision, you can request a hearing in front of a Judge. Use the form REQUEST FOR HEARING AND ORDER in your packet.
- E. If the Deferral or Waiver is for Personal Service by the sheriff, take the papers that need to be served, along with a **CERTIFIED copy** of the ORDER OF DEFERRAL OR WAIVER, to the sheriff. Instructions on how to do this are contained on the help sheet that is in the packet on service of process.
- F. If the Deferral or Waiver is for Publication, follow the instructions contained on the help sheet that is in the packet on service of process.
- G. **REMINDER.** If you still cannot pay the fees and costs at the end of the case, and believe you should receive a waiver or further deferral (payment schedule), you must file a Supplemental Application at the end of the case, or a Consent Judgment will be entered against you. You will receive instructions on how to do this at the end of the case.

- 6. **OTHER HELP.** If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under "attorneys." Also, the Self-Service Center has a list of lawyers who will help you help yourself. The list shows where the lawyers are located, how much they charge to look over the court papers or answer your questions, and what their experience is. Visit the Self-Service Center at the Court or on the Internet at <http://www.superiorcourt.maricopa.gov/ssc/sshome.html> to get the names of some of the lawyers on this list.

**ALL FORMS REFERRED TO IN THESE INSTRUCTIONS
ARE AVAILABLE AT THE SELF-SERVICE CENTER.**

Petitioner's Name: _____
 Address: _____
 City, State, ZIP Code: _____
 Telephone No: _____
 Representing ☐ Self, without a lawyer or
☐ Attorney for _____

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of Guardianship of

Case Number _____

A Minor

SUPPLEMENT INFORMATION FOR APPLICATION FOR WAIVER OF FEES AND COSTS FOR (check one or both)

- ☐ Service of Process
☐ Publication

Instructions:

- Check box 1 to request waiver of fees for **Service of Process** (personal service).
- Check all boxes that apply for **Publication**.
- Be sure to fill in the blanks for the boxes you check.
- After you have completed this form, take it to the Juvenile Court Clerk. You will sign the form on page 2 in front of the clerk.

STATE OF ARIZONA)
 COUNTY OF MARICOPA)ss.

1. The information stated below is true and correct.
2. I am the petitioner in this court case, and the filing fees have been waived by the court.
3. This information is given so I can proceed with serving a Notice of Hearing in this court case, as provided by the statutes and the Rules of Court in Arizona.

REQUEST FOR WAIVER OF SERVICE OF PROCESS COSTS

1. A waiver of **Service of Process** costs is necessary because (check one):
 - ☐ I have attempted to obtain voluntary acceptance of service of process without success on the person to be personally served with notice.
 - ☐ It would be useless or dangerous for me to try to obtain voluntary acceptance of service by the person to be served because (explain here in detail)

REQUEST FOR WAIVER OF COSTS TO PUBLISH NOTICE

2. A waiver of **costs to publish notice** is necessary because the residence and whereabouts of the party or parties entitled to notice are unknown to me and (check all that apply):
 - ☐ The party or parties I must give notice to by publication are (list names and interest in this court case):

Case No. _____

NAME	INTEREST IN CASE
_____	_____
_____	_____
_____	_____

- ☐ I have made a diligent search to find out the residence and whereabouts of the party or parties, but the search has failed to reveal any information concerning the party's or parties' residence or whereabouts.
- ☐ To the best of my knowledge, as of (date) _____, 20_____, the last address of (name) _____ was:_____.
- ☐ Regarding (name of who you tried to find) _____

I have contacted the persons listed below to find out the location of:

NAME	ADDRESS
_____	_____
_____	_____
_____	_____

- ☐ Regarding (name of who you tried to find) _____

I have contacted the persons listed below to find out the location of:

NAME	ADDRESS
_____	_____
_____	_____
_____	_____

I WILL PROMPTLY NOTIFY THE COURT IN WRITING IF ANY FINANCIAL CIRCUMSTANCES CHANGE DURING THE PENDENCY OF THIS COURT ACTION. IF THAT HAPPENS, I OR THE ESTATE MAY BE ABLE TO PAY THE FEES THAT HAVE BEEN WAIVED OR DEFERRED.

Applicant's Signature

Signed and sworn to or affirmed before me this date: _____ by: _____

Notary Public

Michael K. Jeanes, Clerk of Superior Court

My commission expires: _____ OR
By: _____

Deputy Clerk

Petitioner's Name: _____
 Address: _____
 City, State, ZIP: _____
 Telephone No: _____
 Representing ☐ Self, without a lawyer or
☐ Attorney for _____

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of Guardianship of _____

JG No: _____

_____ a Minor

ORDER FOR WAIVER OF
☐ **SERVICE OF PROCESS**
☐ **PUBLICATION**

THE COURT FINDS THAT

- ☐ For **Service of Process in a guardianship case**, the Applicant has previously demonstrated a need for waiver of court fees and costs pursuant to A.R.S. 12-306. The Applicant has further demonstrated the need for a waiver of service of process fees and costs as follows:
- ☐ The Applicant has attempted to obtain voluntary acceptance of service of process without success on the person to be personally served with notice, **OR**
- ☐ It would be useless or dangerous for the Applicant to try to obtain voluntary acceptance of service by the person to be served.
- ☐ For **Publication**, the Applicant has previously demonstrated a need for a waiver of court fees and costs under A.R.S. 12-306. The applicant has further demonstrated a need for a waiver of service by publication fees and costs as follows:
- ☐ The applicant has made a diligent search to find out the residence and whereabouts of the following person(s) but the search has failed to reveal any information concerning the person's residence or whereabouts.

NAME	INTEREST IN CASE
_____	_____
_____	_____
_____	_____
_____	_____

- ☐ The applicant is required to publish a notice of hearing or once a week for three weeks.

IT IS ORDERED THAT the following fees and costs are waived for:

- ☐ **Service of Process** by the Maricopa County Sheriff's Office.
☐ **Publication** in the Record Reporter.

Case No. _____

IT IS FURTHER ORDERED THAT

The applicant shall promptly notify this court in writing of any change in the Applicant's financial circumstances during the time the case is pending which may affect the applicant's or the estate's ability to pay the **waived** fees and costs. The applicant must keep a copy of this order to present to the Court upon request.

DATED this _____ day of _____, 20____.

Deputy Clerk/Special Commissioner

OR

Judge/Commissioner

SELF-SERVICE CENTER

PROCEDURES: HOW TO SERVE LEGAL PAPERS BY SHERIFF

In cases concerning Guardianship of a Minor
(Arrange for service ONLY after you have filed your court papers)

STEP 1 ARRANGING FOR SERVICE:

- Go to the sheriff's office with the papers for Service. The Sheriff's Office is located in downtown Phoenix. Even if you file your case at the Juvenile Court at the Durango Facility, or at the Juvenile Court's Southeast Facility in Mesa, you must still go to the Sheriff's office to arrange for Service. The address for the Sheriff's office is:

The Sheriff's Office
201 West Jefferson Street
Central Court Building
Phoenix, Arizona 85003
(602) 256-1835

- There is a filing fee for all Petitions and there are Service Fees. You may request a **WAIVER OR DEFERRAL OF FILING FEES** (and the Sheriff's Service Fees if you intend to use the Sheriff's Office for service) at the time you file your papers with the Clerk of the Court.

STEP 2 DOCUMENTS NEEDED FOR SERVICE:

- Complete the attached sheet for identifying the other person (Page 2) and bring the following with you to the Sheriff's Office:
 - 1) A set of copies of the court papers for the person being served.
 - 2) A picture or a written physical description of the other person.
 - 3) A written description of the automobile the other person drives.
 - 4) The address where other person can be served.
 - 5) A Certified Copy of the Order Waiving/Deferring Fees or a **\$200.00 deposit** payable with cash or money order.

STEP 3 AFTER SERVICE IS GIVEN:

- The Sheriff will mail you a copy of the **AFFIDAVIT OF SERVICE** after he or she serves the other person with the papers. The Sheriff may also file these papers instead of sending them back to you, however, make sure that the Affidavit is filed.

(YOUR NAME)

(ADDRESS)

(CITY/STATE/ZIP)

(TELEPHONE NUMBER)

(DATE)

(County) County Sheriff

(Street Address)

(City, State, Zip Code)

I enclose a copy of the following documents: (LIST ALL DOCUMENTS YOU WANT TO BE SERVED)

1. _____
2. _____
3. _____
4. _____
5. _____

Please serve these papers on the person. His or her current address and physical description are:

(OTHER PERSON'S NAME) (WORK ADDRESS)

ADDRESS) (WORK CITY/STATE, ZIP) (HOME

(HOME CITY/STATE/ZIP)

SEX	RACE	BIRTH	HGT.	WGT.	EYES	HAIR	SSN

Please return a notarized Affidavit of Service to my address at your earliest convenience. Maricopa County Superior Court requires that each document served be named in the affidavit of Service.

☐ I enclose a deposit for \$200.00. I understand there is a \$16.00 service fee, \$2.40 per mile, one way, for each attempt at service travel fee, and a \$8.00 notary fee. I understand the difference between my deposit and the fees accrued for service will be billed or returned to me. **OR,**

☐ I enclose a certified copy of the Order for Waiver/Deferral of fees for Service of Process.

Thank you for your cooperation in this matter.

(YOUR SIGNATURE)

Enclosures